

**SUMMARY MINUTES**  
**City-County Planning Commission of Warren County**  
**May 7, 2009 @ 7:00 p.m.**  
**City Commission Chambers**  
**Bowling Green City Hall - 1001 College Street**

**Present:**

**Mary Belle Ballance**  
**Bill Hotaling**  
**Cliff Nahm**

**Larkin Ritter**  
**Linda Dickerson**  
**John Atkerson**

**Velma Runner**  
**Albert Rich**

**Absent:**

**Bennie Jones**  
**Chuck Coppinger**

**Tim Huston**

**Faye Phelps**

The City-County Planning Commission of Warren County was called to order by Chairman Velma Runner. She then requested Sandy Clark, Administrative Executive Secretary, to conduct roll call in order to determine a quorum. A quorum was determined with eight (8) of twelve (12) Commissioners present at the time of the roll call.

**I. ADMINISTRATIVE REVIEW:**

Chairman Runner asked if all Commissioners had received and read the Summary Minutes of the meeting held on April 16, 2009. The Motion was made by Commissioner Hotaling, seconded by Commissioner Dickerson, and agreed upon by all of the Commissioners present (1 abstained) to approve the Summary Minutes of the April 16, 2009 meeting as written.

Hon. Hamp Moore, Attorney for the Planning Commission, requested the Chairman order that the Joint Zoning Ordinance of Warren County, Kentucky; the Subdivision Regulations; and the Comprehensive Plan with all of its elements effective as of this date (May 7, 2009) be introduced as exhibits for each of tonight's hearings. He further requested the Chairman order that the Staff Report, with all attachments together, and with the Commission's entire file for these applications be likewise introduced as exhibits. Mr. Moore asked that the Oath be administered to Steve Hunter, Executive Director and Marshall Robinson, Planner, as witnesses before the Planning Commission and their oath and qualifications be reflected in the record for each of tonight's hearings. Chairman Runner so ordered and swore in both of the above.

**C. REPORT ON SUBDIVISION APPROVALS**

Chairman Runner asked if there were any questions or comments on the Subdivision approvals. Being no questions or comments, the April 2, 2009 to April 30, 2009 Subdivision plats stand as recorded.

**D. LETTERS OF CREDIT AND PERFORMANCE BONDS**

Chairman Runner asked if there were any questions or comments in regard to the Subdivision Sureties staff report given to Commissioners. Chairman Runner noted there was one addition (#10) to the list presented to the Commission in regard to the Subdivision Sureties. Thereafter, Chairman Runner asked for a Motion:

**ACTION: A Motion was made by Commissioner Dickerson, seconded by Commissioner Nahm, which passed unanimously to approve the following:**

1. Release the performance bond from Williams Properties for landscaping 1128 South Park Drive in the amount of \$6,700.00;
2. Release the letter of credit for Oxford Center Section 1 in the amount of \$49,293.00 from Evans Property and in the amount of \$27,293.00 from Stonehenge Corporation;
3. Release the letter of credit for Oxford Center Section 2 in the amount of \$20,082.00 from Woodlands Plaza, LLC.;
4. Release the performance bond for landscaping 100 and 166 Sebern Close Court in the amount of \$3,200.00 from Cumberland River Corporation;
5. Release the performance bond for landscaping 1128 South Park Drive in the amount of \$6,700.00 from Williams Properties;
6. Release the letter of credit for The Oaks Subdivision in the amount of \$10,000.00 from Landquest, LLC.;
7. Release the letter of credit for The Oaks Subdivision Section 2 in the amount of \$10,000.00 from Landquest, LLC.;
8. Release the letter of credit for landscaping Northgate Self Storage in the amount of \$6,350.00 from Allen/Bevins;
9. Release the cash surety for landscaping the parking lot at First Christian Church in the amount of \$11,600.00; and
10. Release Performance Bond for Landscaping at Western Kentucky Diagnostic Imaging in the amount of \$1,500 for property located at 1635 Scottsville Road, from Scott and Murphy, Inc.

**II. PUBLIC HEARINGS:**

Chairman Runner announced the first item on the agenda as being a request for a right-of-way closing, described as: *2009-07-Z-CO Mark & Robin Douglas have filed an application in order to re-zone a tract of land containing 3.00 acres located on Greenbriar Road which is approximately 430 feet to Woodburn-Allen Springs Road (KY Hwy 240) from AG (Agriculture) to RE (Residential Estate) with a general development plan.*

Steve Hunter presented the staff report and stated that the applicants are proposing to re-zone and subdivide 3.00 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) located on Greenbriar Road which is approximately 430 feet from KY Highway 240, in order to create three (3) single family residential building lots. The applicants have agreed to certain site restrictions as outlined in the Binding Elements. The applicants and staff held a Pre-Application Conference on March 27, 2009. The property is located at Lot #4 of the Coy Hinton Estate which is approximately 430 feet to KY Highway 230 (Woodburn-Allen Springs Road), with frontage on Greenbriar Road, which is a rural county roadway with 50 feet of right-of-way and 16 feet of pavement width and contains approximately 3.00 acres. The existing land use is vacant. The property is located in Focal Point 115 - Boyce/Alvaton - with characteristics of agricultural/open space; mostly agriculture but with scattered low density single family residential. Experiencing market pressure for residential.

Mr. Hunter stated that Binding Elements were requested with this re-zoning. The intended use of the proposed property is to create three (3) single family residential building lots.

Mr. Hunter noted that the staff had items of concern, which included:

- *Adequate Fire Protection;*
- *Total number of lots;*
- *Access to site; and*
- *Compatibility with surrounding developments.*

In order to address the concerns of staff, the applicants agreed to and submitted the following Binding Elements with changes made on the floor this evening removing #II; renumbering the remaining Binding Elements; and then rewording #IV, as follows:

### **BINDING ELEMENTS**

- I.** *The subject property shall be developed into individual lots for single family residences with a maximum of three (3) lots; with a minimum lot size for each lot at one (1.0) acre.*
- II.** *All new residences shall contain a minimum of 1,200 square feet of living space excluding porches, patios and garages. No manufactured or mobile homes shall be permitted on the property.*
- III.** *All new access points shall be approved by the Warren County Road Department prior to construction.*
- IV.** *Binding Element number II shall remain as a Binding Element only until such time as a plat for the property is recorded, at which time this Binding Element shall become a plat restriction and no longer part of these Binding Elements.*

The Staff reviewed eight (8) Comprehensive Plan policies affecting this zone change request. Mr. Hunter stated that the first policy was **LU-1A-2** (*All applicants should contact adjacent neighbors prior to the public hearing or have a neighborhood meeting.*) The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting, if possible. No information of a public meeting was provided to the Planning Commission, but the applicants can address this when they come forward.

Then, Policies **LU-4C-1** (*Rural density residential development may occur throughout Warren County on appropriately zoned AG, RR and RE lots*); **LU-4C-2** (*water*) and **LU-4C-3** (*sewer*) - The subject property shall be developed into individual lots for single family residences with a maximum of three (3) lots; with a minimum lot size of one (1) acre. A 4" water line providing less than 250 GPM with less than 20 PSI is available along Greenbriar Road. This does **not** meet the minimum fire control standards of Warren County. The applicants have submitted a signed Fire Protection Requirement Threshold Waiver (signed by the Magistrate and County Judge's Office). There are no sanitary sewers within 1,500 feet of the property. The applicants should contact the Barren River Area District Health Department prior to the issuance of a building permit for the approval of a site evaluation. Staff has noted that due to septic limitations that only two lots may be allowed on the three lots and applicants are aware of the possible limitations.

Also, the Policies **LU-4C-4** - (*Lot sizes, lot widths and building set backs in new rural density residential development should reflect the overall pattern of development in the surrounding area*); and **LU-4C-5** (*All rural density residential developments should maintain existing natural physical features, such as woods, streams, green areas, etc., as open space*); and **LU-4A-9** (*density*) - All new residences shall contain a minimum of 1,200 square feet of living space excluding porches, patios and garages. No manufactured or mobile homes shall be permitted on the property. The proposed residential development consists of three (3) total residential building lots on 3.00 acres making a density of one (1) unit/acre. Staff reviewed the density of the surrounding developments within a half mile radius and a one mile radius of the proposed property: *one mile radius* - 2,238.47 total acres - 164 total building lots, average lot size 13.64 acres and a density of 0.07 units/acre; and *half mile radius* - 569.85 total acres - 34 total building lots, average lot size of 16.76 acres and a density of 0.05 units/acre. However; there are lots of similar sizes in the general vicinity. No additional changes are proposed

The final policy is the traffic policy - **TR-2** (*traffic*) - The property has frontage on Greenbriar Road, a rural county roadway with 50 feet of right-of-way and 16 feet of pavement width. All new access points shall be approved by the Warren County Road Department prior to construction.

Mr. Hunter completed his presentation of the Staff Report by stating the Staff finds that the proposed zoning request is in agreement with the adopted Comprehensive Plan and recommends that the Zoning Map Amendment, together with the General Development Plan, be approved.

Chairman Runner asked if there were any questions from the Commissioners for Mr. Hunter. One of the Commissioners asked about the fire waiver and noted a fire safety issue with this property so far out in rural Warren County and the Commissioner asked how far to the nearest fire hydrant.

Therein, the applicant, Mark Douglas, of 1803 Allen Springs Road, Alvaton, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Douglas reported that he talked with several neighbors, but did not have a neighborhood meeting. He also said that they (the applicants) got a fire waiver signed for the property. When asked about the distance from the property to the nearest fire hydrant, Mr. Douglas said it was about 495 feet from Greenbriar Road to the nearest hydrant, but would not be 500 feet from each lot. Mr. Douglas then said he did not know where the nearest volunteer fire department is located from his property.

Mr. Hunter explained the reasoning behind the change in the Binding Elements. The original Binding Element #II spoke about the property having met the minimum requirements for Fire Control Standards of Warren County, when in fact the property does not meet even the minimum requirements, so the Binding Element was removed from the list. Staff said that with the septic system calculations, that the applicants may only be able to get two lots instead of three due to restrictions and septic limitations placed by the Barren River Area Health Department.

When asked by Attorney Moore, Mr. Douglas said he agreed with the changes in the Binding Elements and he had permission to speak for Robin Douglas who would also agree to the changes. The waiver basically says that the volunteer fire department will bring equipment enough to put out a fire when there is not a hydrant and enough water (a 4 inch line with less than 250 GPM). Staff said that the new Comprehensive Plan that they are working on with the consultants and Task Force will hopefully address fire protection and other matters.

Being no other questions or comments, Chairman Runner asked for questions from the audience for staff. Being no questions or comments from the audience for the staff, Chairman Runner asked if there were any questions or comments from the Commissioners and/or the audience. Being none, Chairman Runner asked for a Motion.

**ACTION: The Motion was made by Commissioner Nahm, seconded by Commissioner Dickerson to approve the proposed Zoning Map Amendment, docket #2009-07-Z-CO. The motion was based on the findings of fact as presented in the staff report and the testimony presented in this public hearing that the zoning map amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: LU-1A-2; LU-4C-1, 2, 3, 4 & 5; LU-4A-9 and TR-2. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was six (6) yeas and two (2) nays, so a recommendation for approval will be sent to the Warren County Fiscal Court with a notation that the motion carried with opposition.**

Chairman Runner announced the second item on the agenda as also a zone change request described as: *2009-08-Z-CO Lancie Meredith & Marsha Meredith have filed an application in order to re-zone a tract of land containing 8.73 acres located on Aaron Road which is approximately 1,965 feet to Richpond-Rockfield Road (KY Hwy 242) from AG (Agriculture) to RE (Residential Estate) with a general development plan.*

Marshall Robinson presented the staff report and stated that the applicants are proposing to re-zone and subdivide 8.73 acres of property from AG (Agriculture) to R-E (Residential Estate) located on Aaron Road in order to create three (3) single family residential building lots. The applicants have agreed to certain site restrictions as outlined in the Binding Elements. The applicants and staff held a Pre-Application Conference on December 1, 2009. The property is located on Aaron Road which is approximately 1,965 feet to Richpond-Rockfield Road (KY Hwy 242).

The property has frontage on Aaron Road, which is a rural county roadway with 50 feet of right-of-way and 16 feet of pavement width and contains approximately 8.73 acres. The existing land use is vacant. The property is located in Focal Point 111-3 - Murphy Road - with characteristics of agricultural/open space; undergoing gradual transition from agriculture to low density residential.

Mr. Robinson stated that Binding Elements were requested with this re-zoning. The applicants are proposing to re-zone and subdivide 8.73 acres of property in order to create three (3) single family **R-E** (Residential Estate) lots. The preliminary subdivision plat shows that the applicants are proposing three (3) residential lots containing: 3.98 acres; 3.64 acres; and 1.11 acres respectively.

Mr. Robinson stated that the staff had items of concern, which included:

- *Compatibility with surrounding developments;*
- *Maximum number of lots to be created; and*
- *Access to the property.*

In order to address the concerns of staff, the applicants agreed to and submitted the following Binding Elements with changes made on the floor this evening rewording #9:

#### **BINDING ELEMENTS**

1. *The subject property shall be developed into individual lots for single family residences with a maximum of three (3) lots and with a minimum acreage of each being one and one tenth (1.1) acre in size.*
2. *The property shall be developed for single family residences only; no mobile homes or manufactured homes shall be permitted.*
3. *The developer will meet all existing requirements for residential fire control standards for Warren County, Kentucky.*
4. *The minimum square footage for all principle structures will be 1,600 square feet for any one-story structure; 1,100 square feet, on the ground level, for any one and one-half story structures and 1,000 square feet, on ground level, for any two-story structures; all of which shall be exclusive of garages and porches. Each lot developed shall have a minimum of a 1-car garage.*
5. *The proposed houses will be finished with a minimum of 60% brick or stone. All homes shall have a brick or stone veneer foundation.*
6. *All accessory buildings shall be of similar finish material as the primary structure.*
7. *The property shall be limited to three (3) access points along Aaron Road. Any new access shall be approved by the Warren County Road Department prior to construction.*
8. *All driveways shall be constructed of bituminous asphalt or concrete.*

9. Binding Element numbers 4, 5, 6, and 8 shall remain as Binding Elements until the subdivision plat of the property is recorded, at which time these shall be filed with the subdivision plat as plat restrictions.

The Staff reviewed eight (8) Comprehensive Plan policies affecting this zone change request. Mr. Hunter stated that the first policy was **LU-1A-2** (*All applicants should contact adjacent neighbors prior to the public hearing or have a neighborhood meeting.*) The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting, if possible. No information of a public meeting was provided to the Planning Commission, but the applicants can address this when they come forward.

Then, Policies **LU-4C-1** (*Rural density residential development may occur throughout Warren County on appropriately zoned AG, RR and RE lots*); **LU-4C-2** (*water*) and **LU-4C-3** (*sewer*) - The subject property shall be developed into individual lots for single family residences with a maximum of three (3) lots, with a minimum acreage of each being one and one tenth (1.1) acre in size. The developer will meet all existing requirements for residential fire control standards for Warren County, Kentucky. There are no sanitary sewers within 1,500 feet of this property; on-site septic systems will be utilized for the property. The applicants should contact the Barren River District Health Department prior to the issuance of a building permit for the approval of a site evaluation.

Also, the Policies **LU-4C-4** - (*Lot sizes, lot widths and building set backs in new rural density residential development should reflect the overall pattern of development in the surrounding area*); and **LU-4C-5** (*All rural density residential developments should maintain existing natural physical features, such as woods, streams, green areas, etc., as open space*); and **LU-4A-9** (*density*) - The proposed residential development consists of three (3) building lots on 8.73 acres with a density of 0.34 units/acre with the average lot size being 2.91 acres. Staff reviewed several surrounding developments as follows: Minix Farm Subdivision - 62.55 total acres with four (4) residential building lots for a density of 0.06 units/acre with the average lot size being 15.63 acres; Aaron Meadows Subdivision - 25.79 total acres with five (5) residential building lots for a density of 0.19 units/acre with an average lot size being 5.15 acres; Price Family Farm Subdivision - 32.46 total acres with eighteen (18) residential building lots for a density of 0.55 units/acre with an average lot size of 1.80 acres; A.D. Oliver Subdivision - 12.97 total acres with three (3) residential building lots for a density of 0.23 units/acre with having an average lot size of 4.32 acres; Cool Springs Farms Subdivision - 40.02 total acres with 36 residential building lots for a density of 0.89 units/acre with having an average lot size of 1.11 acres; and Ryan Waddell Subdivision - 6.10 total acres with 2 residential building lots for an average density of 0.32 units/acre with an average lot size of 3.05 acres. The property shall be developed for single family residences only; no mobile homes or manufactured homes shall be permitted. The minimum square footage for all principle structures will be 1,600 square feet for any one story structure; 1,100 square feet on the ground level for any one and one-half story structures; and 1,000 square feet on ground level for any two-story structures; all of which shall be exclusive of garages and porches. Each lot developed shall have a minimum one-car garage. The proposed houses will be finished with a minimum of sixty percent (60%) brick or stone. All homes shall have a brick or stone veneer foundation. All accessory buildings shall be of similar finish material as the primary structure.

The final policy is the traffic policy - **TR-2** (*traffic*) - The property shall be limited to three (3) access points along Aaron Road. Any new access shall be approved by the Warren County Road Department prior to construction. All driveways shall be constructed of bituminous asphalt or concrete.

Mr. Robinson completed his presentation of the Staff Report by stating the Staff finds that the proposed zoning request is in agreement with the adopted Comprehensive Plan and recommends that the Zoning Map Amendment, together with the General Development Plan, be approved.

Chairman Runner asked if there were any questions from the Commissioners for Mr. Robinson. Being none, on behalf of one of the applicants, Ron Cummings of 200 Grand Teeton Way, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before this Commission. Mr. Cummings said he was speaking on behalf of the applicants by stating that they wished to make this tract more sellable by breaking it into three tracts of property.

Staff and Mr. Moore as Attorney for the Planning Commission, asked applicants if they would agree to the rewording of Binding Element #9 in stating that:

9. Binding Element numbers 4, 5, 6, and 8 shall remain as Binding Elements until the subdivision plat of the property is recorded, at which time these shall be filed with the subdivision plat as plat restrictions.

Therein, Lancia Meredith of P. O. Box 151, Rockfield, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Meredith said he would agree to the change. Mr. Cummings said he was authorized to speak on behalf of Marsha Meredith and he agreed to the change in BE #9 for Ms. Meredith.

Being no other questions or comments, Chairman Runner asked for questions from the audience for staff. Being no questions or comments from the audience for the staff, Chairman Runner asked if there were any questions or comments from the Commissioners and/or the audience. Being none, Chairman Runner asked for a Motion.

**ACTION: The Motion was made by Commissioner Ritter, seconded by Commissioner Hotaling to approve the proposed Zoning Map Amendment, docket #2009-08-Z-CO. The motion was based on the findings of fact as presented in the staff report and the testimony presented in this public hearing that the zoning map amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: LU-1A-2; LU-4A-9; LU-4C-1, 2, 3, 4 & 5; and TR-2 and the edit made on the floor this evening. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was eight (8) yeas, so a recommendation for approval will be sent to the Warren County Fiscal Court.**

### III. MISCELLANEOUS BUSINESS:

Chairman Runner stated there were a couple of items of business to come before the Commission. Mr. Hunter said that the staff understands the frustration of the Planning Commissioners in dealing with fire waivers and fire safety issues. The Fiscal Court has set out a Waiver procedure that developers use to request zoning changes based on the waiver that is signed by the Magistrates, Judge and, hopefully, Fire Chiefs in the County. The staff and Comp Plan Task Force is working with the frustrations and trying to work through the problems with water lines, water pressure and density in zone change requests asking for one acre or less lots.

Mr. Hunter announced that employee, Rick Adams, resigned at the end of April and has taken a job with the State Highway Department. No replacement will be made to the staff at this time and maybe this will help with the upcoming budget crunch. Good Luck to Rick for his future endeavors.

Mr. Hunter then stated the Comprehensive Plan Task Force will be meeting on Tuesday, June 9th, 2009 at 6:00 p.m. at the City-County Planning Commission office. The consultants will be in attendance. The Land Use Committee and Community Facilities Committee will probably need to meet prior to the entire group meeting in order to get the final layout to present to the entire group before we start public meetings to present the Comp Plan to the community.

Mr. Hunter announced that there is an agenda for the May 21st, 2009 meeting which has been passed out to all of the Commissioners. At the next meeting we will bring back the cell tower request that was postponed from an earlier date. In addition, staff will be bringing a demonstration of on-line mapping which the staff is proud to present all the data that will be shown. Hopefully, this on-line mapping will be available July 1, 2009, if all goes well.

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned.

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CHAIRMAN, VELMA RUNNER

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Administrative Executive Secretary  
Sandy M. Clark